## \*\*NOT FOR PRINTED PUBLICATION\*\*

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

VICTOR H. CANTU and	§	
JAYME L. CANTU	§	
	§	
Plaintiffs,	§	
	§	
V.	§	CASE NO. 4:13cv338
	§	Judge Clark/Judge Mazzant
BANK OF AMERICA, N.A. D/B/A	§	
BAC HOME LOANS SERVICING, LP,	§	
FEDERAL NATIONAL MORTGAGE	§	
ASSOCIATION A/K/A FANNIE MAE,	§	
and GREG BERTRAND, MIKE VESTAL,	§	
SUBSTITUTE TRUSTEE,	§	
	§	
	§	
Defendants.	§	

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 1, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Emergency Temporary Retraining Order and Application for Temporary Injunction [Doc. #28] be denied [Doc. #29]. On October 1, 2013, Plaintiffs filed Objections to the Report and Recommendation of United States Magistrate Judge [Doc. #30]. On October 2, 2013, Defendants filed a response [Doc. #33].

Plaintiffs seek an injunction to stop their eviction. The Magistrate Judge recommended denial of this request because the foreclosure has already taken place and Plaintiffs lost any

ownership interest in the property in question. Plaintiffs' objections assert that they meet the standard for an injunction, and they attack the foreclosure. The Magistrate Judge is correct that Plaintiffs are no longer the owners of the property in question and there is no basis for the court to intervene to stop the enforcement of a state court judgment. This court lost any ability to enter an injunction after the foreclosure took place.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by Plaintiffs [Doc. #30], this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Plaintiffs' Emergency Temporary Retraining Order and Application for Temporary Injunction [Doc. #28] is denied.

So ORDERED and SIGNED this 18 day of October, 2013.

Ron Clark, United States District Judge

Rm Clark